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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.,
10/735,441	12/12/2003	Magdalena Faisst	3201-364 (D4700-00378)	2031
8933	7590	09/19/2007	EXAMINER	
DUANE MORRIS, LLP			STERLING, AMY JO	
IP DEPARTMENT			ART UNIT	
30 SOUTH 17TH STREET			PAPER NUMBER	
PHILADELPHIA, PA 19103-4196			3632	
			MAIL DATE	DELIVERY MODE
			09/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/735,441

Applicant(s)

FAISST ET AL.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-9 and 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is a non-final Office Action for application number 10/735,441 Arrangement for Attaching a Hygienic Article filed on 12/12/03. Claims 2, 4-9 and 11-6 are pending. This non-final Action is in response to applicant's reply dated 8/10/07. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

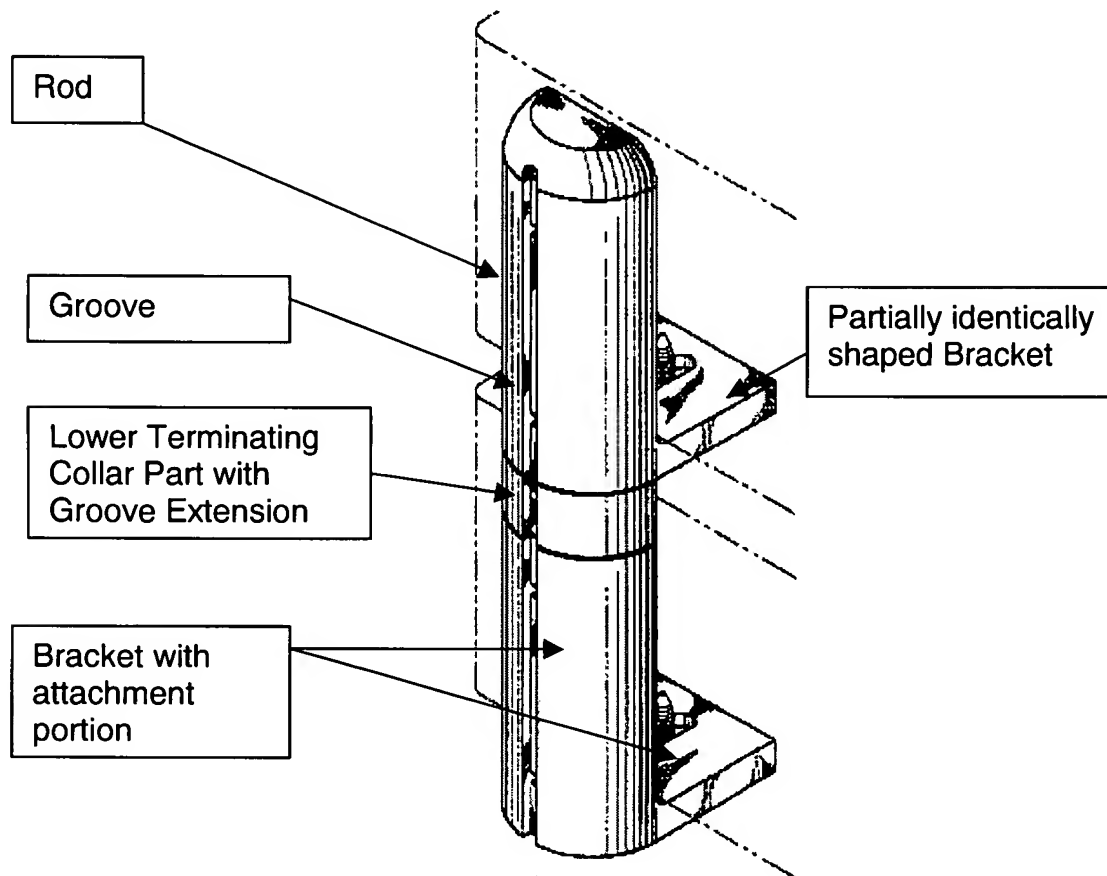
A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/24/07 has been entered.

### ***Claim Rejections - 35 USC § 102***

Claims 2, 4-9 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Design Patent No. 387,969 to Rabinovitz.

Rabinovitz teaches the following (See Marked Drawing Below for explanation) a length of hollow profiled stock device having a wall-mounting rod that has a continuous, guiding profile for guiding a slide, extending over a full length of the wall-mounting rod between ends, at least one bracket which engages the interior of the hollow profile, the bracket for fastening the wall-mounting rod to a surface, the bracket being attachable to

the wall-mounting rod in the vicinities of the end faces and wherein the arrangement leaves clear that part of the guiding profile used for guiding the slide, wherein the guiding profile includes a groove on the front surface of the wall mounting rod, and further comprising a form fit lower terminating collar component including an extension of the groove, and wherein the bracket is attached to the wall-mounting rod by insertion of an attachment portion of the bracket into an end of the wall-mounting rod, wherein accessory items could be attachable to the bracket and wherein the bracket has a plurality of at least partially identically shaped brackets and wherein the bracket could attach two sections of coaxially arranged wall mounting rods if so desired, the brackets having two attachment sections being engageable with the ends of the two sections of the joint, one of the attachment sections being configured for attaching a terminating component, wherein the attachment sections have a means for guiding the wall mounting rod and wherein the sections are separated by a joint or land.



### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (Informal communications). Any inquiry of a

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general nature or relating to the status of this application should be directed to the  
Technology Center receptionist at 571-272-3600..

Amy J. Sterling  
9/13/07

*Amy J. Sterling*  
AMY J. STERLING  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600